REMARKS

Claims 1-19 are all the claims pending in the application. As shown in the foregoing amendments, claims 1-19 are amended. In view of the foregoing amendments and following remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

I. Formalities

Applicant thanks the Examiner for consideration of the references submitted in the Information Disclosure Statement (IDS). Additionally, applicant respectfully requests acknowledgement of receipt of the foreign priority documents.

II. 35 U.S.C. § 112, 2nd paragraph

Claims 1-19 stand rejected under 35 U.S.C. § 112, 2nd paragraph due to various alleged informalities. As shown in the foregoing amendments, applicant has amended the claims in a manner that is believed to overcome these rejections. Therefore, applicant respectfully requests withdrawal of the indefiniteness rejections.

III. 35 U.S.C. § 103(a)

Claims 1-19 stand rejected under 35 U.S.C. § 103(a) due to alleged obviousness. More specifically, claims 1-8 and 16-19 stand rejected based on the Examiner's proposed modification of Duffield; claims 9-13 and 15 stand rejected under 35 U.S.C. § 103 based on the Examiner's proposed combination of Duffield modified and Lewis; and claim 14 stands rejected based on the Examiner's proposed combination of Duffield and Mangipudi. Applicant respectfully submits

that the proposed modification of Duffield fails to disclose or suggest all of the claimed combinations of features, for at least the reasons discussed below.

The presently claimed invention is directed to a first calculation module that includes an extraction module and an aggregation module. The first calculation module determines a network usage predictive state from first data representative of usage of resources and/or services within said network. The claimed invention also includes a second calculation module that determines a network evolution planning proposal from the usage predictive state and second data representative of a plant (Ri, ERj) of the network. Further, the first calculation module is adapted to determine usage profiles of service level agreements between an operator of the network and customers from the first data and the service level agreements.

Duffield discloses a virtual private network. More specifically, as shown in FIG. 7, a predictive device 350 is disclosed. As disclosed in the written description of Duffield at column 10, line 47-column 11, line 21, the VPN service provider may monitor VPN traffic to predict traffic rates, and adjust hoses 210-216. More specifically, the hose profile and the network allocations can be resized based on the predictions. Further, as disclosed in Duffield at column 11, line 51- column 12, line 30, current resource usage is monitored and input into a prediction device 360, which is used to predict hose capacity, and perform resizing as needed. The predicted effective bandwidth may be set, and further, adjusted based on a worst case predictor model, or use of historical data to predict future trends.

However, applicant respectfully submits that the prediction device 360 of Duffield is not disclosed as having an extraction module and an aggregation module. Further, while the

Examiner asserts that column 3, line 63-column 4, line 24 and column 5, lines 48-67 disclose the
prediction module determining usage profiles, applicant respectfully disagrees with the
characterization, because the cited portions of Duffield do not provide any disclosure as to how
the predictive device 360 of Duffield is the structure that includes this claimed feature.

Applicant respectfully submits that the Duffield fails to disclose or even suggest an
extraction module and an aggregation module, as recited in independent claim 1. Applicant notes
that while Duffield generally discloses a predictive device 360, there is no disclosure of any
structure for this device. Further, applicant respectfully submits that there is no disclosure of
such structures, or the claimed features associated with such structures.

For reasons similar to those discussed above with respect to independent claim 1,
applicant respectfully submits that independent claim 17 is also not rendered obvious based on
the Examiner's proposed modification of Duffield.

Dependent claims 2-16 and 19 depend from independent claim 1, and dependent claim 28
depends from independent claim 17. Applicant respectfully submits that the dependent claims
are allowable at least by virtue of their dependency from the independent claims, which are
believed to be allowable for at least the reasons discussed above.

Additionally, applicant respectfully submits that Duffield fails to disclose or suggest that
market research is the complementary third data, as required by claims 2 and 14. More
specifically, applicant respectfully submits that the QoS of Duffield thus cannot be characterized
as the third data of claims 2 and 14. For similar reasons, applicant respectfully submits that

Duffield fails to disclose or suggest all of the claimed combinations of features recited in claims

5 and 18.

With respect to the rejection of claims 9-13 and 15 based on the Examiner's proposed

combination of Duffield and Lewis, applicant respectfully disagrees with the Examiner's

rationale for the combination, and further, applicant respectfully submits that even if the

Examiner did have a proper rationale for the combination, such a combination would not teach or

suggest all of the claimed combinations of features recited in claims.

Applicant notes that the Examiner's conclusion, at page 9, lines 4-6 of the Office Action

is that the combination insure that optimized configurations at network devices operate properly.

The Examiner's basis for the combination appears to be at page 9, lines 6-9 of the Office Action.

More specifically, it appears that the Examiner is stating that the proposed combination enables

an operator to verify that configuration commands had been performed by the device, and to

determine whether the improved of the device has actually improved. Applicant respectfully

requests further clarification as to the logical basis for this reasoning.

Further, applicant respectfully submits that the citation of Lewis by the Examiner, in

combination with Duffield, does not disclose or suggest *determining whether said network can*

support said optimum configuration or not and then, when it cannot, to determine a network

plant that is inadequate for future resource and/or service requirements, by an evolution of the

network corresponding to said predictive state, as recited in claim 9. Applicant respectfully

submits that the citation of Lewis by the Examiner is only directed to determining the

improvement of network performance, which is distinguishable from determining whether a

network plant is inadequate for future resource and/or service requirements. Further, applicant

respectfully submits that Lewis makes no mention of *evolution of a network, corresponding to a*

predictive state, as required by claims 9 and 13.

With respect to claim 11, applicant respectfully disagrees with the Examiner's assertion

that minimizing the cost is analogous achieving network efficiency. Duffield does not discuss

about the cost, but is instead focused on allocation of resources in a VPN, including the use of

the hose concept. Applicant respectfully submits that the cited portion of Duffield is directed to

cost savings from multiplexing, rather than due to delivering a planning proposal, as required by

claim 11.

Turning to claim 12, the Examiner asserts that SLA parameters are analogous to planning

rules. However, applicant respectfully submits that the applicant does not make such a

characterization in the specification of the present application, and further, the prior art itself

does not make such a characterization. Therefore, applicant respectfully disagrees with the

Examiner's point, in that such an analogy is neither disclosed nor suggested by the prior art.

Further, applicant respectfully requests clarification in the prior art as to the Examiner's basis for

this statement.

Further, applicant respectfully submits that the proposed combination of references fails

to disclose or suggest all of the claimed combination of features recited in claim 15. For

example, but not by way of limitation, applicant respectfully submits that there is no disclosure

as to the operator entering the "third data", which includes market research, into the system of

Duffield and/or Lewis, as required by claim 15. Thus, applicant respectfully requests further

clarification of this disclosure in the prior art.

   For at least these reasons, applicant respectfully submits that the Examiner's proposed

combination of Duffield and Lewis fails to render obvious claims 9-13 and 15.

   Therefore, applicant respectfully requests withdrawal of the rejections, and allowance of

the claims.

   IV.   Conclusion

   In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

   The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

                                      Respectfully submitted,

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